

branding, Section 502 (a), the designation "Healthway" appearing on the bottle label was false and misleading since the use of the article would not assure maintenance or restoration of the user's health.

d-alpha-tocopheryl acetate capsules. Misbranding, Section 502 (a), the following statements in the booklet accompanying the article were false and misleading since the article was not effective for the purposes stated and implied: (Page 20) "Value in menopause (change of life) * * * treatment of heart disease * * * preserving tooth enamel * * * prevention of fatty livers * * * protect the body in keeping the Vitamin A reserve up to par * * * betterment in your health * * * No. 709 Vim-EE Capsules * * *."

The articles were alleged to be misbranded in the above respects while held for sale after shipment in interstate commerce.

Vitamin A capsules. Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use. The article was misbranded in this respect when introduced into and while in interstate commerce.

The *d-alpha-tocopheryl acetate capsules* were alleged also to be misbranded when introduced into and while in interstate commerce, under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: April 1, 1952. Default decree of condemnation and destruction.

3748. Misbranding of Hope Mineral tablets. U. S. v. 32 Dozen Bottles, etc. (and 26 other seizure actions). (F. D. C. Nos. 32995, 33008 to 33012, incl., 33014, 33015, 33017 to 33019, incl., 33023, 33032, 33037, 33038, 33043, 33045, 33046, 33163, 33171, 33172, 33176, 33178, 33179, 33185, 33186, 33203 to 33206, incl., 33253. Sample Nos. 2109-L, 2110-L, 3841-L to 3843-L, incl., 5095-L, 5097-L, 6446-L, 6447-L, 7317-L, 7318-L, 8731-L, 10197-L, 10198-L, 21925-L, 21927-L, 24915-L, 24921-L, 27009-L, 27221-L, 27224-L to 27226-L, incl., 27530-L, 28197-L, 28198-L, 30522-L, 30523-L, 33706-L, 33707-L, 41973-L, 41974-L, 48408-L.)

LIBELS FILED: Between April 1 and May 29, 1952, District of Massachusetts, Northern District of California, Northern and Western Districts of New York, Western District of Washington, District of Columbia, Western District of Michigan, Western District of Louisiana, Middle District of Pennsylvania, Northern District of Iowa, Eastern District of Virginia, Northern District of Illinois, and Middle District of North Carolina.

ALLEGED SHIPMENT: Between the approximate dates of September 26, 1951, and March 28, 1952, by the Hope Co., from St. Louis, Mo., and East St. Louis, Ill.

PRODUCT: 1,146 dozen bottles of *Hope mineral tablets* at Boston and Springfield, Mass.; Alameda, Oakland, San Francisco, Watsonville, San Mateo, Burlingame, and Sacramento, Calif.; Amsterdam, Schenectady, and Rochester, N. Y.; Seattle, Wash.; Washington, D. C.; Grand Rapids, Mich.; Shreveport, La.; Harrisburg, Pa.; Cedar Rapids, Iowa; Alexandria, Va.; Chicago, Ill.; and Durham and Greensboro, N. C.

RESULTS OF INVESTIGATION: Various representations concerning the conditions for which the product was intended were published in advertisements contained in local newspapers at the places where the product was located. These advertisements were printed on instructions of, and from mats furnished by, the Hope Co.

LABEL, IN PART: "Hope Mineral Tablets with B-Vitamins Dietary Supplement. Each tablet contains 20 mgm. Iron; $\frac{1}{2}$ mgm. Vitamin B₁; 1 mgm. Vitamin B₂; and 5 mgm. Niacin. Also contains traces of other minerals (elements) extracted from a natural clay" or "Forty Hope Mineral Tablets Dietary Supplement. Each tablet contains 20 mgm. of Iron and traces of other minerals (extracted from a natural clay) plus $\frac{1}{2}$ mgm. Vitamin B₁, 1 mgm. Vitamin B₂, 5 mgm. Niacin and $\frac{1}{2}$ mcg. Vitamin B₁₂."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of rheumatism, headaches, weak kidneys, arthritis, stomach ailments, neuritis, dizzy spells, nervousness, bloating, acids, toxins, lack of energy, lack of vitality, sleepless nights, underweight, irritability, bad complexion, bad breath, frequent rising at night, vague pains, digestive disturbances, weakness, weak sexual powers, poor appetite, poor lactation, weakened reproductive powers, paleness, general run-down condition, heartburn, stomach gas, weak back, lumbago, decaying teeth, failing eyesight, and dullness, which were the conditions for which the article was intended. The article was misbranded in this respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the labeling of the portion of the product at Cedar Rapids, Iowa, namely, clippings which were from local newspapers and which accompanied the article, was false and misleading. The labeling contained statements which represented and suggested that the article was an effective treatment for vague pains, bad breath, headaches, digestive disturbances, dizzy spells, lack of vitality and energy, paleness, numbness, heartburn, stomach gas, bad complexion, tiredness, listlessness, irritability, general run-down feeling, nervousness, lack of appetite, and sleeplessness. The article was not effective for such purposes. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: Between May 12 and September 4, 1952. Default decrees of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

3749. Adulteration and misbranding of tincture of belladonna and tincture of Hyoscyamus. U. S. v. Standard Drug Co., Inc., and Jacob Starr. Plea of guilty by corporation; plea of nolo contendere by individual. Fine of \$500 against each defendant. (F. D. C. No. 32740. Sample Nos. ~~1028~~-L, 22774-L, 22775-L, 22931-L.)

4-8432P

INFORMATION FILED: February 29, 1952, District of New Jersey, against Standard Drug Co., Inc., Newark, N. J., and Jacob Starr, president and treasurer of the corporation.

ALLEGED SHIPMENT: On or about August 31, 1950, and February 15 and April 5 and 26, 1951, from the State of New Jersey into the States of Massachusetts and New York.

LABEL, IN PART: "Tincture of Belladonna" and "Tincture of Hyoscyamus."